

## **FINAL STATEMENT OF REASONS:**

These regulations propose minor changes to the Rules and Regulations of the Director of Corrections pertaining to Recreational and Physical Education programs permitted under Inmate Activities (Title 15, beginning with section 3220 and continuing through section 3223). One set of changes involve updating the language of the article to more accurately reflect the character and scope of the programs being provided at the institutions and facilities operated by the Department of Corrections. Other changes are meant to address the possibility of an inmate appeal of a delay in award delivery, academic standards for physical education programs, and a provision for recreation and physical education program opportunities at conservation camps administered by the Department.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected private persons than the action proposed.

**Article 2 and Sections 3220 and 3220.1 headings are amended**, deleting references to "athletics" and inserting "recreation" and/or "physical education," as appropriate and needed to more accurately reflect the character and scope of the programs being provided at the institutions and facilities operated by the Department.

**Subsection 3220(d) is amended** to specify that authorized recreation and physical education awards shall be delivered as soon as possible following approval by the coordinator of the activity or event. While inmates are entitled to receive awards for participating in approved activities and contests, absent a time frame for the delivery of such awards, inmate appeals of the non-delivery of a legitimately earned award have been denied. The reason for the new language is, therefore, to prevent the rejection of an inmate appeal of the non-delivery of an award due solely to a failure to satisfy the time constraints of the regular appeal process.

**Section 3220.2 is adopted** in order to formalize for the first time the relationship between an adopted curriculum framework and the academic recreation, physical education and physical fitness training programs provided by the Department. Physical education programs offered by the Department are based on established academic standards and such standards are developed in accordance with curriculum frameworks common to the educational community and addressed extensively in the California Education Code. The language of this new section formalizes the relationship of the curriculum framework and the academic program offered by the Department.

**Section 3220.3 is adopted** to address the omission of existing recreation and physical education programs at conservation camps from existing regulations. It further specifies that the scope of such program opportunities shall be compatible with camp operations, staffing and geographic location.

## **ASSESSMENT, MANDATES AND FISCAL IMPACT:**

This action will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The Department determines this action imposes no mandates on local agencies or schools districts, has no fiscal impact on State or local government, or Federal funding to the state or private persons. It is also determined that because they are not affected by the internal management of State prisons, this action does not affect small businesses nor do it have a significant adverse economic impact on businesses, include the ability of California businesses to compete with businesses in other states. Nor does this action impact housing costs or effect costs or reimbursements to any local agency or school district within the meaning of Government Code Section 17561.

## **DETERMINATION:**

The Department has determined that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected persons.

## **PUBLIC COMMENTS:**

**Public Hearing:** Held May 13, 2002 for 10:00 to 11:00 a.m. No one appeared at this hearing for the purpose of providing public comment.

**Written Comments:** The single written inquiry regarding this action may be found at Tab 7.

## **Summaries and Responses to Written Comments:**

### **Commenter #1:**

**Comment A:** Commenter notes, in his reading of the text of California Code of Regulations (CCR) Section 3220(b), that event coordinators are not always aware of inmate property restrictions. Certain awards, such as a trophy or a t-shirt with logo, may constitute a threat to institutional security or violate the Department's inmate property regulations. Accordingly, he recommends that all items given as a prize be first approved by the institution's Security Squad and once awarded the event coordinator should be responsible for ensuring that the new item is recorded on the inmate's property card.

**Accommodation:** None

**Response A:** The general personal property policies of the Department which are set forth in CCR Section 3190(a) clearly limit inmates to personal property items that present no threat to institution security or the safety of persons. Furthermore, nonexpendable personal property included in an institution's approved listing of inmate personal property much be registered in the inmate's name in the institution's property records in accordance with sections 3191(a). Finally, the provisions of

Section 3220(d) that specify that any prize or trophy awarded will have been purchased using inmate welfare funds are not at issue, because no change is anticipated in this existing rule. Therefore, since all the key points made by the commenter are already adequately addressed by existing regulations and/or are not the subject of the changes presently under consideration, no accommodation would appear warranted at this time.

On the other hand, the commenter's points have been duly noted and will be taken into consideration when the Department contemplates changes in the inmate property provisions of these regulations.